

# **Exhibit 40**

**Email from Jason Crawford re RGAS rejecting  
additional POs and rejecting relabeling requests  
November 12, 2020**

**From:** Jason Crawford  
**Sent:** Thursday, November 12, 2020 3:37 PM  
**To:** 'Hannah Baker'; Debbie Cook  
**Cc:** Star Desiderio; Helen Munoz; Anita Hudson  
**Subject:** RE: RGAS Product Purchase Update - PO#062250

Hannah – We cannot accept these PO's. Per my conversation with Star we are not moving forward at this time as we are trying to determine the entire cost of all of the re-labelling Hudson wants completed at All-South, MBW, and Dunavant. These expenses were not contemplated originally by RGAS or Hudson and substantially change the economics and spirit of the agreement which was an "all or none" agreement.

Thanks,  
 Jason



Jason M Crawford  
 President

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**From:** Hannah Baker <Hannah.Baker@aspenrefrigerants.com>  
**Sent:** Thursday, November 12, 2020 1:50 PM  
**To:** Debbie Cook <dcook@atomiccapital.com>; Jason Crawford <jcrawford@rgasrefrigerants.com>  
**Cc:** Star Desiderio <Star.Desiderio@aspenrefrigerants.com>; Helen Munoz <Helen.Munoz@aspenrefrigerants.com>; Anita Hudson <Anita.Hudson@aspenrefrigerants.com>  
**Subject:** RE: RGAS Product Purchase Update - PO#062250

Jason,

Please see attached PO below for product at All South that we can take immediately as it is not subject to any re-labeling.

PO#	Whse Code	Item Code	Qty	Invoice per Cylinder
062250	GA3 (ALL SOUTH)	R407A25	9	\$51.00
		R421A25	27	\$86.25
		R438A25	107	\$102.25
		R50725	8	\$51.00

Thank you,

**Hannah Baker** | Purchasing Manager, ASPEN Refrigerants, Inc.  
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**From:** Hannah Baker

**Sent:** Thursday, November 12, 2020 12:15 PM

**To:** Debbie Cook <[dcook@atomiccapital.com](mailto:dcook@atomiccapital.com)>; Jason Crawford <[jcrawford@rgasrefrigerants.com](mailto:jcrawford@rgasrefrigerants.com)>

**Cc:** Star Desiderio <[Star.Desiderio@aspenrefrigerants.com](mailto:Star.Desiderio@aspenrefrigerants.com)>; Helen Munoz <[Helen.Munoz@aspenrefrigerants.com](mailto:Helen.Munoz@aspenrefrigerants.com)>;

Anita Hudson <[Anita.Hudson@aspenrefrigerants.com](mailto:Anita.Hudson@aspenrefrigerants.com)>

**Subject:** RE: RGAS Product Purchase Update

Hi Jason,

Please see attached POs summarized below for all remaining R2230s.

PO#	Whse Code	Item Code	Qty	Invoice per Cylinder
062239	IL01 (from Dunavant)	R2230	33	\$280.80
062241	IL01 (from Murphy)	R2230	3,390	\$280.80
062242	IL01 (from All South)	R2230	60	\$280.80

Once the freight has been arranged, please confirm the cost and provide an ETA to our IL location.

I saw your email to Helen regarding the re-labeling. We will wait to hear back from you on whether or not RGAS will be re-labeling the out of compliance product.

We can however issue a PO for the product that is in compliance at All South since it is a shared location.

Thank you,

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**From:** Hannah Baker

**Sent:** Tuesday, November 10, 2020 3:59 PM

**To:** Debbie Cook <[dcook@atomiccapital.com](mailto:dcook@atomiccapital.com)>; Jason Crawford <[jcrawford@rgasrefrigerants.com](mailto:jcrawford@rgasrefrigerants.com)>

**Cc:** Star Desiderio <[Star.Desiderio@aspenrefrigerants.com](mailto:Star.Desiderio@aspenrefrigerants.com)>; Helen Munoz <[Helen.Munoz@aspenrefrigerants.com](mailto:Helen.Munoz@aspenrefrigerants.com)>; Anita Hudson <[Anita.Hudson@aspenrefrigerants.com](mailto:Anita.Hudson@aspenrefrigerants.com)>

**Subject:** RE: RGAS Product Purchase Update

Good afternoon,

Thank you for providing the current inventory count. Below you will find a summary of product by warehouse.

### **Dunavant Warehouse (Pasadena)**

Aspen will issue PO for RGAS to ship product to IL:

- R2230 (33)

Aspen will issue PO for product to ship product to GA:

- R134A125 (1) with 88 pounds
- R22125 (1) with 115 pounds – needs statement “WARNING: Contains HCFC substance which harms public health and environment by destroying ozone in the upper atmosphere.”
- Ragglesticks (494)
- Empty R125 product cylinders (12)

Aspen will issue PO for the following product:

- R421A25CHOICE (27)
- R410A25 (1542)
- R134A125 (266)

*Note; product maybe be split onto several POs with different ship to locations.*

Aspen can purchase the following product if re-labeled:

- R404A24 BMP Brand (**quantity?**) – can accept BMP Brand ONLY if labeled with Federal Law Statement. Please confirm total count of BMP brand R404A24 cylinders.
- R50725 (187) – Needs to be labeled with Federal Law Statement.
- R22125 (293) – needs statement “WARNING: Contains HCFC substance which harms public health and environment by destroying ozone in the upper atmosphere.”

Cannot accept:

- R404A24 – RGAS brand, missing DOT-39 markings.

### **Murphy Bonded (Shreveport)**

Aspen will issue PO for RGAS to ship product to IL:

- R2230 (3,390) – Champaign

Aspen can purchase the following product if re-labeled:

- R402A27 (**quantity?**) – Can accept generic brand if labeled with ozone depleting warning

Attached is the info needed on R402A27 generic brand:

- Proper shipping name – Liquefied Gas N.O.S. (Chlorodifluoromethane, Pentafluoroethane and Propane)





- Needs "Do not remove cylinder"
- Ozone depleting warning – Contains HCFC-22 a substance which harms public health and environment by destroying ozone in the upper atmosphere.

Cannot accept:

- R401B & R402A27 (Worthington) – missing DOT-39 markings

### **All South (Forest Park):**

Aspen will issue PO for RGAS to ship this product to IL:

- R2230 (60) – RGAS shipping to Champaign

Aspen will issue PO for the following product to be moved to ASPEN stock at All South:

- R421A25CHOICE (27)
- R438A 25(107)
- R50725 (8)
- R407A25 (9)

Cannot accept due to missing DOT marking:

- R404A24 (1,052)
- R407C25 (174)
- R410A25 (246)

### **Progressive (Indianapolis):**

Warehouse is working on re-labeling the following product:

- R404A24 (1260)
- R410A25(342)

Please let us know if the requested labeling can be completed and confirm the brand quantities where needed.

Thank you,

**Hannah Baker** | Purchasing Manager, ASPEN Refrigerants, Inc.

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**From:** Debbie Cook <[dcook@atomiccapital.com](mailto:dcook@atomiccapital.com)>

**Sent:** Tuesday, November 10, 2020 11:21 AM

**To:** Hannah Baker <[Hannah.Baker@aspenrefrigerants.com](mailto:Hannah.Baker@aspenrefrigerants.com)>; Jason Crawford <[jcrawford@rgasrefrigerants.com](mailto:jcrawford@rgasrefrigerants.com)>

**Cc:** Star Desiderio <[Star.Desiderio@aspenrefrigerants.com](mailto:Star.Desiderio@aspenrefrigerants.com)>; Helen Munoz <[Helen.Munoz@aspenrefrigerants.com](mailto:Helen.Munoz@aspenrefrigerants.com)>

**Subject:** RE: RGAS Product Purchase Update

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Hannah,

Here is the updated inventory counts for TX, GA and LA.

I didn't include Progressive since we already have the PO for that site.

Please let me know if you need anything else or if you have any questions.

Thanks!

*Deb Cook*

Internal Auditor

Phone: 713.333.7518

Fax: 281.766.1899



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Suite 1185

Houston TX 77019

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**From:** Hannah Baker [<mailto:Hannah.Baker@aspenrefrigerants.com>]

**Sent:** Tuesday, November 10, 2020 9:16 AM

**To:** Jason Crawford <[jcrawford@rgasrefrigerants.com](mailto:jcrawford@rgasrefrigerants.com)>

**Cc:** Star Desiderio <[Star.Desiderio@aspenrefrigerants.com](mailto:Star.Desiderio@aspenrefrigerants.com)>; Helen Munoz <[Helen.Munoz@aspenrefrigerants.com](mailto:Helen.Munoz@aspenrefrigerants.com)>;

Debbie Cook <[dcook@atomiccapital.com](mailto:dcook@atomiccapital.com)>

**Subject:** RE: RGAS Product Purchase Update

Hi Jason,

I spoke to Star this morning, we are waiting for updated inventory counts from you for each location.

We did have a meeting this morning. Once we receive the updated counts I can send you a recap later today on what we know so far.

Thank you,

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**From:** Jason Crawford <[jcrawford@rgasrefrigerants.com](mailto:jcrawford@rgasrefrigerants.com)>

**Sent:** Tuesday, November 10, 2020 10:03 AM

**To:** Hannah Baker <[Hannah.Baker@aspenrefrigerants.com](mailto:Hannah.Baker@aspenrefrigerants.com)>

**Cc:** Star Desiderio <[Star.Desiderio@aspenrefrigerants.com](mailto:Star.Desiderio@aspenrefrigerants.com)>; Helen Munoz <[Helen.Munoz@aspenrefrigerants.com](mailto:Helen.Munoz@aspenrefrigerants.com)>;

Debbie Cook <[dcook@atomiccapital.com](mailto:dcook@atomiccapital.com)>

**Subject:** RGAS Product Purchase Update

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Good morning Hannah – Can you let me know what the feedback is on the All South, MBW and Dunavant inventory?

Thanks,  
Jason



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